

REMARKS

As an initial note, it is not clear if the Office Action mailed on July 17, 2007 is a Final Action or not. The Office Action Summary has been marked as "Non-Final." Paragraph 9 of the Office Action, however, indicates it is a Final Action. It is believed, however, that whether or not the Action is Final is moot given that only a single amendment to a formality is presented, and that as a result of the below remarks and attached Declaration all claims are in a condition suitable for allowance. Should this not be the case, however, clarification is requested.

In the July 17 Office Action, claims 2, 3, 5, 8-12, 14, 15, 17, 21-23, 25, 27, 29-31 and 33-35 have been allowed. Claims 6, 7 and 19 have been objected to. Claims 18, 20, 28 and 32 have been rejected as anticipated under 35 U.S.C. §102(e) (as §102(a) prior art) by U.S. Patent No. 6,851,211 to Sender ("the Sender '211 patent").

The Office Action notes that the inventor of the Sender '211 patent is a co-inventor of the present application. The Office Action further confirms that this rejection would be removed upon presentation of a declaration under 37 C.F.R. 1.132 showing that the Sender '211 patent was not "by another." A §1.132 declaration of Edward Sender has been provided herein establishing that claims 18, 20, 28 and 32 and the subject matter of the Sender '211 patent were commonly invented by Edward Sender. This declaration therefore establishes that the Sender '211 patent is not "by another," and is effective to overcome the rejection of these claims. Removal of this rejection likewise renders the objections to claims 6, 7 and 19 moot.

It is noted that Applicant's submission of the §1.132 declaration is not an admission that the Sender '211 patent discloses all of the elements of claims 18, 20, 28 and 32, and applicant reserves the right to point out differences between the disclosure and the claims in a future submission if necessary or appropriate.

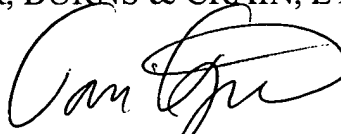
Finally, claim 33 has been amended to address an informality. This amendment is not directed to patentability.

All claims in their present form are therefore allowable. Timely allowance is requested. The Examiner is invited to contact the undersigned attorney by phone should any matters remain for attention before a Notice of Allowance can be issued.

Respectfully submitted,

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